

and distribution in said town or city, and charging for such gas, electric lights, electric power or water, shall make quarterly, on the first days of January, April, July and October of each year, a report to the Comptroller under oath of the individual, company, corporation or association showing the gross amount received from such business done in such incorporated city or town within this State in the payment of charges for such gas, electric lights, electric power or water for the quarter next preceding. Said individual, company, corporation or association, at the time of making said report for any such incorporated town or city, shall pay to the Treasurer of this State an occupation tax for the quarter beginning on said date equal to one half of one per cent, of said gross receipts, as shown by said report. Nothing herein shall apply to any such gas, electric light, power or water works or water and light plant within this State owned and operated by any city or town, nor to any county or Water Improvement or Conservation District."

Sec. 2. Sections 17, 18 and 19 of Article 7047 of the Revised Civil Statutes of 1925 are hereby repealed.

Sec. 3. The fact that there is urgent need for the revenue provided for in this Act creates an emergency and an imperative public necessity that the Constitutional Rule requiring Bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage and it is so enacted.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas,
March 12, 1930.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	DeBerry.
Berkeley.	Cunningham.
Cousins	Gainer.

Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Pollard.
Hyer.	Russek.
Love.	Thomason.
Martin.	Westbrook.
McFarlane.	Williamson.
Miller.	Wirtz.
Moore.	Witt.
Neal.	Woodward.

Absent—Excused.

Small.	Woodul.
Stevenson.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hyer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Parr:

S. B. No. 81, A bill to be entitled "An Act creating the 113th Judicial District Court for Nueces County; defining its jurisdiction; transferring the civil original jurisdiction of the County Court of Nueces County to the court created hereby and adjusting the business of said courts; adjusting the business of the 28th District Court of Nueces County with the court created hereby; prescribing the duties of the District Clerk with respect thereto, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senators Williamson and Pollard:

S. B. No. 82, A bill to be entitled "An Act to amend Section 1 of Chapter 10 of the Acts of the Third Called Session of the Forty-first Legislature, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Love:

S. B. No. 83, A bill to be entitled "An Act creating one additional court for Dallas County, defining jurisdiction, adjusting the business of the existing district courts to the business thereof, prescribing the

duties of the District Clerk with respect thereto, and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Pollard:

S. B. No. 84, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State of Texas for the several institutions and departments of State government as named herein for the balance of the present fiscal year and for the fiscal year ending August 31, 1931, and declaring an emergency."

Read first time and referred to Committee on Finance.

By Senator Cousins:

S. B. No. 85, A bill to be entitled "An Act relating to the membership, selection, qualifications, and duties of the County Board of Education in counties with a population of not less than 15,300 nor more than 15,400 according to the Federal census of 1920; providing for the administration of the school affairs of all school districts with a scholastic population of less than 500 scholastics and for funds for the administration expense account; providing for an equalization fund; and enacting other regulations and provisions relating to said subject, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

S. C. R. No. 9.

Senator Love sent up the following resolution:

Be It Resolved by the Senate of Texas, the House of Representatives concurring therein, That the Governor of Texas is respectfully requested to submit to the present Called Session of the Legislature of Texas the subject of providing by law for the better protection of the public against the hazards of fire in motion picture theatres in this State, resulting from explosion or ignition of films in motion picture machines.

LOVE.

Read and adopted.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger

from the House with the following messages:

Hall of the House of Representatives.
Austin, Texas, March 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 8, in memory of the passing of William Howard Taft.

S. C. R. No. 7, congratulating the people of Waco, Texas, and vicinity upon completion of the dam in the Bosque River.

The House has accepted the invitation of the Senate to attend the memorial services to be held at 4 p. m. Thursday in respect to the memory of Robert McAlpine Williamson.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 41, A bill to be entitled "An Act imposing a gross receipts tax upon certain individuals, companies, corporation or association, whether incorporated under the laws of this State or nation, engaged in publishing, printing or selling text books as used or will be used in the schools of this State, or owning, controlling or managing any such business, within the State or out of it, and having State agencies within this State for the purpose of selling any such books to be used in any of the schools of this State, requiring quarterly reports each year, under oath of the individual, president or treasurer of such company, corporation or association showing gross amount received from any such business done within this State during the quarter next preceding, and declaring an emergency."

H. B. No. 47, A bill to be entitled "An Act making it unlawful for any practicing lawyer to become surety upon the bail bond of any person charged with crime and held in custody within this State, when such lawyer is representing the person charged for pay; and requiring the

sheriff or other officers having in custody such person so charged, and required to pass upon such bonds for approval or disapproval to disapprove any bail bond so signed, and to make inquiry as to any bail bond signed by any attorney to determine whether it should be disapproved hereunder."

H. B. No. 82, A bill to be entitled "An Act providing that it shall be unlawful for any person to take any deer of this State whose antlers contain less than seven prongs; providing a penalty; repealing all laws in conflict, and declaring an emergency."

H. B. No. 58, A bill to be entitled "An Act to amend Article 665, Revised Civil Statutes of 1925, relating to the authority of the State Board of Control in the supervision and control of public buildings and grounds, and providing for the more adequate determination of the duties of the said Board of Control in the supervision and control of such public grounds, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives

Hall of the House of Representatives.
Austin, Texas, March 12, 1930.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 10, expressing appreciation to the committee and to others assisting in the selection and dedication of the State Song "Texas, Our Texas."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 12, 1930.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 32 by a vote of 92 yeas, 12 nays and 4 present and not voting.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 20, A bill to be entitled "An Act to amend Chapter 65, H. B. No. 104, passed at the First Called Session of the Forty-first Legislature as amended by Chapter 62, S. B. No. 116, passed at the Second Called Session of the Forty-first Legislature, relating to regulating the avocation and art of barbering, prescribing such sanitary rules and regulations in order to insure the proper sanitary conditions, and to prevent the spreading of diseases, repealing all laws or part of laws in conflict herewith, and declaring an emergency."

H. B. No. 25, A bill to be entitled "An Act to provide a period of time when continuity of failure to exercise dominion over land, or claim or render same for taxes, shall prima facie prove title to persons exercising dominion over, claiming and/or paying taxes on such land, and declaring an emergency."

H. B. No. 83, A bill to be entitled "An Act providing for the temporary registration or visiting privileges in this State of vehicles owned by citizens of another State or country and duly registered under the laws of said State or country for the current year; prescribing restrictions under which such vehicle may be operated; prescribing penalties for any violations hereof; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 111, A bill to be entitled "An Act amending Section 17, Article 7065n, subdivision 3, House bill No. 6, Chapter 88, Second Called Session of the Forty-first Legislature, providing for the application for refund when claimant purchases or acquires for use gasoline upon which a refund may be due, and declaring an emergency."

H. B. No. 125, A bill to be entitled "An Act validating all elections, election orders, election proceedings and city ordinances annexing adjacent territory to or extending and prescribing the corporate limits of any home rule city that has adopted a charter under Article 11, Section 5,

of the Constitution of Texas, and the provisions of Chapter 147, Acts of the Regular Session of the Thirty-third Legislature of the State of Texas, 1913, but which city did not in fact have a population of 5,000 according to the 1920 Federal census, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

House Bill No. 7.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Graves.

H. B. No. 7, A bill to be entitled "An Act imposing an occupation tax upon theatrical, dramatic and musical comedy shows, moving picture shows, opera houses, theatres, tents, air domes, and other such structures and for public entertainment operating for private profit; said tax to be collected from the owner, proprietor or operator of such places of entertainment; said tax to be collected from all shows, moving pictures and other public entertainments or exhibitions given for profit in cities, towns and villages; the amount to be graduated according to the population of said cities, towns and villages as described herein, imposing an annual tax according to said population of said cities, and declaring an emergency."

Read second time.

On motion of Senator Love, the bill was laid on the table subject to call.

House Bill No. 32.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Allred, Mr. Finlay, Mr. Cox, Mr. Shaver and Mr. Petsch:

H. B. No. 32, A bill to be entitled "An Act to amend House bill No. 6, Chapter 88, page 172, Acts of the Forty-first Legislature, Second Called Session, by adding under Section 1 subsection O, defining "farm trailer"; by adding subsection P, defining "farm semi-trailer"; by adding subsection Q, defining the phrase "operated or moved temporarily upon the highways" and by including under Section 2 certain "farm trailers" and

"farm semi-trailers" with other vehicles exempted from license and registration fees, and creating an emergency."

The committee amendment was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 32 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.
Miller.	

Absent.

Cunningham.

Absent—Excused.

Small.	Woodul.
Stevenson.	

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.

Absent—Excused.

Small.	Woodul.
Stevenson.	

Bills Signed.

The Chair, Lieutenant Governor

Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 42.
H. B. No. 91.
H. B. No. 20.

House Bill No. 38.

The Chair laid before the Senate on its second reading the following bill:

By Mr. McDonald, Mr. Farrar, Mr. King, and Mr. Metcalfe:

H. B. No. 38, A bill to be entitled "An Act to add to the Revised Civil Statutes of Texas for 1925 a new article to be known as Article 7047a, to provide for an occupation tax on the business or occupation of owning, operating, managing, or controlling exchanges which furnish quotations on the stock market on certain commodities, or stocks and bonds; providing said act shall not apply to certain persons, firms, corporations, or associations of persons, and declaring an emergency."

Read second time.

Senator DeBerry sent up the following amendments:

Amendment No. 1.

Amend H. B. No. 38 by adding after the word "Bonds" in line 21, page 2, the following:

"Provided, further, any person, firm or corporation liable for a tax under this article shall not be required to pay the tax under Sections 8 and 12 of Article 7047 but shall pay the tax provided by this article."

DeBERRY.

Read and adopted.

Amendment No. 2.

Amend H. B. No. 38 by adding after the word business in line 15, page 2, the following:

"Provided, the tax herein levied shall be only One Hundred (100.00) Dollars for each person, firm or corporation which is a member of only one commodity exchange."

DeBERRY.

Read and adopted.

Amendment No. 3.

Amend the caption by inserting after the words "association of per-

sons" the following: "and exempting those liable for such tax, from the tax under Sections 8 and 12 of Article 7047, R. C. S."

DeBERRY.

Read and adopted.

The bill as amended passed to third reading.

On motion of Senator Parrish the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 38 was put on its third reading and final passage by the following vote:

Yeas—28.

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.

Absent—Excused.

Small.	Woodul.
Stevenson.	

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
Martin.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.

Nays—1.

Holbrook.

Absent.

Cousins.

Absent—Excused.

Small.

Woodul.

Stevenson.

House Bills Referred.

H. B. No. 56, referred to Commit-

tee on Public Buildings and Grounds.

H. B. No. 82, referred to Committee on State Affairs.

H. B. No. 47, referred to Committee on Criminal Jurisprudence.

H. B. No. 41, referred to Committee on State Affairs.

Simple Resolution No. 16.

Senator Holbrook sent up the following resolution:

Whereas, The Knife and Fork Club of the city of Houston last night gave a banquet to Major General John A. Hulen as a testimonial of their appreciation of the many distinguished and patriotic services he has rendered his State and Nation; and

Whereas As an officer in the Volunteer Service of his country during the Spanish-American War; as an officer in the National Guard of Texas; as Adjutant General of Texas; and as Commander of the Seventy-second Infantry Brigade in the World War, he met and discharged every duty imposed on him, won and kept the love of those who followed him and in action reflected glory not only on himself and his country, but upon the profession of arms. Therefore be it

Resolved That the Senate of Texas felicitate the Knife and Fork Club of Houston in thus honoring this distinguished son of Texas and asks permission to join with it in expressing confidence, pride and affection in and for Major General John A. Hulen.

Be It Further Resolved That the Secretary of the Senate be instructed to send a copy of this resolution to the President of said Knife and Fork Club.

WOODUL,
HOLBROOK.

Read and adopted.

House Bill No. 6.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Lee:

H. B. No. 6, A bill to be entitled "An Act providing for State supervision of cotton weighing at cotton compresses and other points of concentration and distribution; providing for State compress weigh super-

visors; etc., and declaring an emergency."

Read second time.

Senator Woodward sent up the following amendments:

Amendment No. 1.

Amend Section 12, line 18, page 5, by inserting after the letter "A" the word "Gin" and by striking out the word "receiving" after the word "compress" in line 18, Section 12, and inserting in lieu thereof the words "cotton yards or warehouse handling" and by striking out the words in line 18 of Section 12 "for storage or compression."

WOODWARD.

Read and adopted.

Amendment No. 2.

Amend House Bill No. 6 by striking out the word "compress" line 26, in Section 6, page 3, and insert in lieu thereof the word "cotton" and by striking out the word "compress" in line 30, Section 6, page 3, and insert in lieu thereof the word "gin."

WOODWARD.

Read and adopted.

Amendment No. 3.

Amend H. B. No. 6, line 28, page 4, by striking out the word "only."

WOODWARD.

The amendment was read.

Senator Wirtz sent up the following substitute:

Amend the bill by striking out of Sec. 9 all after the word "Treasury" in line 25, page 4, and in lieu thereof add "to the credit of the general fund to be expended on legislative appropriation."

WIRTZ.

The substitute was read.

Senator Woodward raised the point of order that the substitute was not germane.

The Chair, President Pro Tem Williamson, overruled the point of order.

Senator Woodward moved to table the substitute.

Recess.

On motion of Senator Moore, the Senate, at 12:02 o'clock, recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

Simple Resolution No. 17.

Senator Parr sent up the following resolution:

Whereas, The Hon. John L. Newman, Secretary of the Wisconsin Real Estate Brokers Board in company with others of said Board, recently visited the Lower Rio Grande Valley of Texas. And,

While on said trip, Mr. Newman purchased a tract of land in said Valley; and,

Whereas, We see from the press Mr. Newman has been fired from his position on said Board by reason of his purchase; now therefore be it

Resolved by the Senate of the State of Texas, That we express our appreciation of the visit of these Wisconsin gentlemen to Texas and to the Lower Rio Grande Valley thereof, and we desire to compliment Mr. Newman on his judgment, faith, and belief in this great fertile section of Texas, and that Texas adopt Mr. Newman as a citizen. And be it further

Resolved That the people of Texas be requested to refrain from the purchase of any article manufactured or produced in the State of Wisconsin for so long as Wisconsin discriminates against Texas.

PARR.

Read and adopted.

Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,
March 12, 1930.

To the Members of the Forty-first Legislature:

The following subjects are submitted for your consideration:

(1) The amendment of Section 1, Chapter 10, Acts of the Third Called Session of the Forty-first Legislature, to correct defects therein.

(2) The amendment of Senate Bill No. 138, passed by the Second Called Session of the Forty-first Legislature, to correct errors therein.

(3) The amendment of Chapter 274, Acts of the Regular Session of the Forty-first Legislature.

(4) The amendment of Article 1302, Revised Civil Statutes, of 1925.

(5) The enactment of statutes giving the Insurance Commission added powers in the control of fire hazards.

(6) The subject of enacting laws designed to relieve the present distressed condition of agriculture in this State is submitted for your consideration.

Respectfully submitted,

DAN MOODY,

Governor.

House Bill No. 6.

The question recurred on the motion to table the substitute for the amendment to H. B. No. 6. The motion prevailed by the following vote:

Yeas—19.

Beck.
Cousins.
Cunningham.
DeBerry.
Gainer.
Greer.
Hardin.
Hornsby.
Hyer.
Love.

Martin.
Moore.
Neal.
Parrish.
Pollard.
Westbrook.
Williamson.
Witt.
Woodward.

Nays—6.

Berkeley.
Holbrook.
Parr.

Russek.
Thomason.
Wirtz.

Absent.

McFarlane.
Miller.

Patton.

Absent—Excused.

Small.
Stevenson.

Woodul.

Senator Woodward withdrew his amendment.

Senator Woodward sent up the following amendment:

Amendment No. 4.

Amend H. B. No. 6, in line 13, page 3, by striking out the word "compress" and inserting in lieu thereof the word "cotton."

WOODWARD.

Read and adopted.

Senator Moore sent up the following amendment:

Amend H. B. No. 6, page 4, by striking out all of line 6 and insert in lieu thereof the following: "one (1c) cent on each square bale and a fee of one-half ($\frac{1}{2}$ c) on."

MOORE.

The amendment was read.

Senator Woodward moved to table the amendment. The motion prevailed by the following vote:

Yeas—13.

Beck.	McFarlane.
Cousins.	Parrish.
Gainer.	Patton.
Greer.	Westbrook.
Hardin.	Witt.
Hornsby.	Woodward.
Love.	

Nays—11.

Berkeley.	Parr.
Cunningham.	Pollard.
DeBerry.	Thomason.
Holbrook.	Williamson.
Hyer.	Wirtz.
Moore.	

Absent—Excused.

Martin.	Stevenson.
Miller.	Woodul.
Small.	

(Pair Recorded.)

Senator Neal (present) who would vote yea, with Senator Russek (absent) who would vote nay.

Senator DeBerry sent up the following amendment:

Amendment No. 5.

Amend H. B. No. 6, page 4, Sec. 7, line 3, by striking out all after the figure 7 down to and including line 17, and insert in lieu thereof the following:

To cover the expense of the police regulation herein provided, every person engaged in the operation of a compress for compressing cotton in this State shall pay to the State of Texas a fee of Two (2) Cents on each bale of cotton. Such fee shall be due and payable at the office of the Commissioner of Agriculture at Austin on the 15th day of each month. The compress charges herein provided in this section shall not apply to high density compresses

when compressing cotton that has been compressed prior to recompression, but shall apply where compress cotton when in original condition as ginned. Said charge herein provided shall not be cumulative based on such cotton received from compression during the calendar month next preceding. Every such person so receiving cotton for compression, shall on or before the 15th day of each month make and deliver to the Commissioner of Agriculture a report sworn to as correct by such person before an officer authorized to administer oaths in this State, on such forms as said Commissioner of Agriculture shall prescribe of the total number of bales of cotton received for compression by such person during the next preceding calendar month.

DeBERRY.

The amendment was read and adopted by the following vote:

Yeas—16.

Beck.	Love.
Berkeley.	Moore.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Thomason.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Woodward.

Nays—5.

Greer.	Neal.
Martin.	Witt.
McFarlane.	

Absent.

Gainer.	Parrish.
Hardin.	Russek.
Miller.	Westbrook.
Parr.	

Absent—Excused.

Small.	Woodul.
Stevenson.	

Senator Love sent up the following amendment:

Amendment No. 6.

Amend Section 1 by adding at the end thereof the following: "And shall be paid only during the cotton marketing season."

LOVE.

Read and adopted.

Senator Holbrook moved to in-

definitely postpone further consideration of this bill. The motion was lost by the following vote:

Yeas—3.

Holbrook. Wirtz.
Parr.

Nays—23.

Beck.	McFarlane.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Hardin.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodward.
Martin.	

Absent—Excused.

Miller.	Stevenson.
Russek.	Woodul.
Small.	

Pair Recorded.)

Senator Neal (present) who would vote nay, with Senator Russek (absent) who would vote yea.

Senator Pollard sent up the following amendment:

Amend H. B. No. 6, Section 6, by striking out the words and figures \$175.00 and inserting in lieu thereof the words and figures \$150.00.

POLLARD.

Read and adopted.

Senator Moore sent up the following amendment:

Amend H. B. No. 6 as amended by the DeBerry amendment by striking out the word and figure "two (2c) cents" and insert in lieu thereof the word and figure "one (1c) cent."

MOORE.

The amendment was read.

Senator Woodward raised the point of order that an amendment containing the same material had already been killed.

The Chair overruled the point of order.

On motion of Senator Pollard, the previous question on the amendment and the engrossment of the bill was ordered.

The amendment was lost by the following vote:

Yeas—7.

Berkeley.	Parr.
Holbrook.	Wirtz.
Hyer.	Witt.
Moore.	

Nays—17.

Beck.	Martin.
Cousins.	McFarlane.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Thomason.
Greer.	Westbrook.
Hardin.	Williamson.
Hornsby.	Woodward.
Love.	

Absent.

Miller.	Patton.
---------	---------

Absent—Excused.

Small.	Woodul.
Stevenson.	

(Pair Recorded.)

Senator Neal (present) who would vote nay, with Senator Russek (absent) who would vote yea.

The bill as amended passed to third reading.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 6 was put on its third reading and final passage by the following vote:

Yeas—23.

Beck.	McFarlane.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Pollard.
Greer.	Thomason.
Hardin.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodward.
Martin.	

Nays—2.

Holbrook.	Wirtz.
-----------	--------

Absent.

Miller.	Russek.
Patton.	

Absent—Excused.

Small.	Woodul.
Stevenson.	

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Martin.
Berkeley.	McFarlane.
Cousins.	Moore.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Pollard.
Greer.	Thomason.
Hardin.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodward.

Nays—2.

Holbrook. Wirtz.

Absent.

Miller. Patton.

Absent—Excused.

Small. Woodul.
Stevenson.

(Pair Recorded.)

Senator Neal (present) who would vote yea, with Senator Russek who would vote nay.

House Bills Referred.

H. B. No. 25, referred to Committee on Civil Jurisprudence.

H. B. No. 83, referred to Committee on Highways and Motor Traffic.

H. B. No. 111, referred to Committee on State Affairs.

H. B. No. 125, referred to Committee on Towns and City Corporations.

House Bill No. 54.

The Chair laid before the Senate the following bill:

By Mr. Petsch, Mr. McDonald, Mr. Tarwater and Mr. Metcalfe:

H. B. No. 54, A bill to be entitled "An Act amending Articles 5738 and 5742 of the Revised Civil Statutes of 1925, as amended by Senate bill No. 84, Acts of the Fourth Called Session of the Forty-first Legislature, filed in the office of the Secretary of State February 17, 1930, relating to co-operative marketing associations, and declaring an emergency."

The rule requiring committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Hyer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 54 was put on its second reading by the following vote:

Yeas—25.

Beck.	McFarlane.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Pollard.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodward.

Absent.

Miller. Russek.

Patton.

Absent—Excused.

Small. Woodul.
Stevenson.

The bill was read second time and passed to third reading.

On motion of Senator Hyer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 54 was put on its third reading and final passage by the following vote:

Yeas—25.

Beck.	McFarlane.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Pollard.
Greer.	Westbrook.
Hardin.	Thomason.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodward.

Absent.

Miller. Russek.

Patton.

Absent—Excused.

Small. Woodul.
Stevenson.

Read third time and finally passed by the following vote:

Yeas—25.

Beck.	McFarlane.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Pollard.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodward.
Martin.	

Absent.

Miller.	Russek.
Patton.	

Absent—Excused.

Small.	Woodul.
Stevenson.	

Senate Bill No. 40.

Senator Cousins called up from the table the following bill:

By Senator Cousins:

S. B. No. 40, A bill to be entitled "An Act to provide for the sale by the State to H. L. McKee, his heirs and assigns, a certain tract or area of land situated in Jefferson County, Texas, same being submerged lands constituting a part of the bed of Sabine Lake, retaining to the State all minerals therein; and declaring an emergency."

House Bill No. 66.

On motion of Senator Cousins, H. B. No. 66, on the same subject, was substituted for S. B. No. 40.

H. B. No. 66 was read second time. Senator Moore sent up the following amendment:

Amend H. B. No. 66 by adding a new section after Section 6 as follows:

"Sec. 6-a. It is provided herein that should a bridge or causeway be constructed across or on the above property, that Title to said bridge or causeway shall revert to the State of Texas, immediately after sufficient funds have been collected, as fees or otherwise, from the use of said bridge or causeway, to pay for the construction of same, after allowing sufficient funds to pay the expenses of the operation of said bridge or causeway, and after allowing an-

nually sufficient funds to pay eight (8%) per cent on the actual investment in said bridge or causeway. Provided further that the owners or operators of said bridge or causeway shall keep proper books showing receipts, costs of operation as well as construction, and that said books shall be open to the inspection of the public and State Auditor of the State of Texas."

Moore, Parrish, Woodward, Hyer, Berkeley, Hardin, Westbrook, DeBerry, McFarlane.

The amendment was read.

Senator Cousins moved to table the amendment. The motion prevailed by the following vote:

Yeas—13.

Cousins.	Parr.
Cunningham.	Patton.
Gainer.	Pollard.
Greer.	Thomason.
Hornsby.	Williamson.
Love.	Witt.
Neal.	

Nays—9.

Berkeley.	Moore.
DeBerry.	Parrish.
Hardin.	Westbrook.
Hyer.	Woodward.
McFarlane.	

Absent.

Beck.	Martin.
Holbrook.	

Absent—Excused.

Miller.	Stevenson.
Russek.	Wirtz.
Small.	Woodul.

Senator Love moved the previous question on the further consideration of the bill. The motion prevailed.

The bill passed to engrossment by the following vote:

Yeas—15.

Beck.	Neal.
Cousins.	Parr.
Cunningham.	Pollard.
Gainer.	Thomason.
Greer.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	

Nays—10.

Berkeley.	Hardin.
DeBerry.	Holbrook.

McFarlane.	Patton.
Moore.	Westbrook.
Parrish.	Woodward.

Absent—Excused.

Martin.	Small.
Miller.	Stevenson.
Russek.	Woodul.

H. C. R. No. 3.

Senator Pollard called up from the table

H. C. R. No. 3, relating to sine die adjournment.

Senator Pollard moved to adopt the resolution.

Senator Witt moved as a substitute to lay the resolution on the table subject to call.

Senator Wirtz moved the previous question on the pending motions.

Senator McFarlane called for a division of the question.

The motion for previous question on the motion to lay the resolution on the table subject to call prevailed by the following vote:

Yeas—12.

Berkeley.	Hyer.
Cousins.	Martin.
Cunningham.	Parr.
Gainer.	Pollard.
Hardin.	Westbrook.
Holbrook.	Wirtz.

Nays—12.

Beck.	Neal.
Greer.	Parrish.
Hornsby.	Thomason.
Love.	Williamson.
McFarlane.	Witt.
Moore.	Woodward.

Absent—Excused.

Russek.	Woodul.
Small.	

(Pairs Recorded.)

Senator DeBerry (present) who would vote nay, with Senator Stevenson (absent) who would vote yea.

Senator Patton (present) who would vote nay, with Senator Miller (absent) who would vote yea.

The Chair voted yea.

The motion to lay the resolution on the table subject to call was lost by the following vote:

Yeas—11.

Beck.	Parrish.
Greer.	Thomason.
Hornsby.	Williamson.
Love.	Witt.
McFarlane.	Woodward
Neal.	

Nays—13.

Berkeley.	Martin.
Cousins.	Moore.
Cunningham.	Parr.
Gainer.	Pollard.
Hardin.	Westbrook.
Holbrook.	Wirtz.
Hyer.	

Absent.

Russek.

Absent—Excused.

Small.

Woodul.

(Pairs Recorded.)

Senator DeBerry (present) who would vote yea, with Senator Stevenson (absent) who would vote nay.

Senator Patton (present) who would vote yea, with Senator Miller (absent) who would vote nay.

The previous question on the adoption of the resolution failed to be ordered by the following vote:

Yeas—10.

Berkeley.	Holbrook.
Cousins.	Martin.
Cunningham.	Pollard.
Gainer.	Westbrook.
Hardin.	Wirtz.

Nays—12.

Beck.	Neal.
Greer.	Parrish.
Hyer.	Thomason.
Love.	Williamson.
McFarlane.	Witt.
Moore.	Woodward.

Absent.

Small.

(Pairs Recorded.)

Senator DeBerry (present) who would vote nay, with Senator Stevenson (absent) who would vote yea.

Senator Hornsby (present) who would vote nay, with Senator Russek (absent) who would vote yea.

Senator Parr (present) who would vote yea, with Senator Woodul (absent) who would vote nay.

Senator Patton (present) who

would vote nay, with Senator Miller (absent) who would vote yea.

Senator Love sent up the following amendment:

Amend by striking out "Saturday, March 13th" and inserting in lieu thereof the following: "Thursday, March 20th."

LOVE.

The amendment was read.

Senator DeBerry moved to lay the amendment and the resolution on the table subject to call.

Senator Pollard raised the point of order that a similar motion had already been lost.

The Chair sustained the point of order.

Senator DeBerry asked unanimous consent to lay the resolution and the amendment on the table subject to call. Several Senators objected.

Recess.

Senator Love moved to recess until tomorrow morning at 10 o'clock. The motion prevailed by the following vote:

Yeas—14.

Beck.	Neal.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Thomason.
Hornsby.	Williamson.
Love.	Witt.
McFarlane.	Woodward.

Nays—13.

Berkeley.	Miller.
Cousins.	Moore.
Cunningham.	Parr.
Hardin.	Pollard.
Holbrook.	Westbrook.
Hyer.	Wirtz.
Martin.	

Absent.

Russek. Stevenson.

Absent—Excused.

Small. Woodul.

At 6:03 o'clock the Senate recessed.

APPENDIX.

Committee on Engrossed Bills.

Committee Room.

Austin, Texas, March 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 41 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee Room.

Austin, Texas, March 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 55 carefully examined and compared and find the same correctly engrossed.

MILLER, Vice Chairman.

Committee on Enrolled Bills.

Committee Room.

Austin, Texas, March 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 20 carefully examined and compared and find the same correctly enrolled and have this day at 5 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Reports.

Committee Room.

Austin, Texas, March 11, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 66, A bill to be entitled "An Act to provide for the sale by the State to H. L. McKee, his heirs and assigns, a certain tract or area of land situated in Jefferson County, Texas, same being submerged lands constituting a part of the bed of Sabine Lake, retaining to the State all minerals therein; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BERKELEY, Vice Chairman.

Committee Room.

Austin, Texas, March 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Ju-

dicial Districts, to whom was referred

S. B. No. 81, A bill to be entitled "An Act creating the 113th Judicial District Court for Nueces County; defining its jurisdiction; transferring the civil jurisdiction of the County Court of Nueces County to the court created hereby and adjusting the business of said courts; adjusting the business of the 28th District Court of Nueces County with the court created hereby; prescribing the duties of the District Clerk with respect thereto, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Room,

Austin, Texas, March 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 83, A bill to be entitled "An Act creating one additional court for Dallas County, defining jurisdiction, adjusting the business of the existing district courts to the business thereof, prescribing the duties of the District Clerk with respect thereto, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Report,

Austin, Texas, March 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

H. B. No. 54, A bill to be entitled "An Act amending Articles 5738 and 5742 of the Revised Civil Statutes of 1925, as amended by Senate Bill 84, Acts of the Fourth Called Session of the Forty-first Legislature, filed in the office of the Secretary of State February 17, 1930, relating to co-operative marketing associations, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

CUNNINGHAM, Chairman.

Committee Room,

Austin, Texas, March 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 80, A bill to be entitled "An Act providing for an article to be known as No. 2352-a of the Revised Civil Statutes of Texas, and providing that should there be any surplus remaining in the General Fund for county purposes," etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal but not otherwise.

WITT, Chairman.

By Hornsby.

S. B. No. 80.

A BILL

To Be Entitled

An Act providing for an article to be known as No. 2352-a of the Revised Civil Statutes of Texas, and providing that should there be any surplus remaining in the General Fund for County purposes, as provided for in Article 2352 of the Revised Civil Statutes of Texas, 1925, at the end of any calendar year, then the Commissioners Court of any county may, by their written order, transfer the balance, or surplus, or any part thereof remaining in said General Fund to the Road and Bridge Common Fund of said County; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 2352-a. That whenever any County Commissioners Court shall have levied and collected a tax for County purposes and if at the end of any calendar year, there remains any balance or surplus in said fund, then the said County Commissioners may have the power by an order entered upon their minutes, of the transferring of the balance

or surplus or any part thereof remaining in such fund for County purposes, at the end of such calendar year from said general fund to the Road and Bridge Common Fund of such County and said surplus so transferred may be used for the purposes of said road and bridge common fund, as though the same had been collected for that purpose in the first instance.

Sec. 2. On account of the fact that many of the counties of this State are badly in need of the building and improvement of their lateral roads, many of which are unimproved and impassable at certain times; on account of the fact that the tax now levied for the purpose of building and improving such lateral roads is small and inadequate for the purpose, and on account of the further fact that by the practice of rigid economy many counties are able to conserve a portion of the general fund, while the lateral roads are deteriorating and in need of these funds, creates an emergency that the constitutional rule requiring bills to be read on three separate days in each house be suspended, and the same is hereby suspended, and this Act shall take effect from and after its passage and it is so enacted.

FOURTEENTH DAY.

(Continued.)

Senate Chamber,

Austin, Texas,

Thursday, March 13, 1930.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

H. C. R. No. 3.

The question recurred on the amendment to H. C. R. No. 3, relating to sine die adjournment.

Senator Love moved the previous question on the pending amendment and the further consideration of the resolution. The motion was lost.

Senator DeBerry moved the previous question on the amendment and the further consideration of the resolution. The motion was lost by the following vote:

Yeas—13.

Beck.	Love.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Small.
Hardin.	Williamson.
Hornsby.	Witt.
Hyer.	

Nays—15.

Cousins.	Patton.
Greer.	Pollard.
Holbrook.	Russek.
Martin.	Thomason.
McFarlane.	Westbrook.
Miller.	Wirtz.
Parr.	Woodul.
Parrish.	

Absent.

Gainer. Woodward.

Absent—Excused.

Stevenson.

Senator Miller moved the previous question on the amendment and the resolution. The motion prevailed by the following vote:

Yeas—17.

Berkeley.	Miller.
Cunningham.	Moore.
DeBerry.	Parr.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Martin.	

Nays—12.

Beck.	Parrish.
Cousins.	Patton.
Holbrook.	Small.
Love.	Thomason.
McFarlane.	Westbrook.
Neal.	Woodul.

Absent.

Woodward.

Absent—Excused.

Stevenson.

The amendment was adopted by the following vote:

Yeas—15.

Beck.	Love.
Berkeley.	McFarlane.
Gainer.	Neal.
Hornsby.	Parrish.

Patton.	Witt.
Small.	Woodul.
Thomason.	Woodward.
Williamson.	

Nays—14.

Cousins.	Miller.
Cunningham.	Moore.
Greer.	Parr.
Hardin.	Pollard.
Holbrook.	Russek.
Hyer.	Westbrook.
Martin.	Wirtz.

(Pair Recorded.)

Senator DeBerry (present) who would vote yea, with Senator Stevenson (absent) who would vote nay.

The resolution as amended was adopted by the following vote:

Yeas—18.

Beck.	Parrish.
Berkeley.	Patton.
Gainer.	Small.
Hornsby.	Thomason.
Love.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodul.
Neal.	Woodward.

Nays—11.

Cousins.	Martin.
Cunningham.	Parr.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Westbrook.
Hyer.	

(Pair Recorded.)

Senator DeBerry (present) who would vote yea, with Senator Stevenson (absent) who would vote nay.

Senator Small spread on the Journal a motion to reconsider the vote by which the resolution was adopted and gave notice that he would call up his motion tomorrow morning immediately following the morning call.

Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

To the Texas Senate:

I understand that the statement has been made before the State that I vetoed items for summer school support out of the educational appropriation bill now in force. This

statement is incorrect, as the original bill on file in the office of Secretary of State will show. I further understand that when this statement was made, that someone called attention to the fact that the statement was incorrect. I am told that when it was pointed out that this statement was incorrect, that the person responsible for the statement then said that I appeared before the Finance Committee and requested a reduction in appropriations for summer schools for the present biennium, that is the summer schools of 1930 and 1931.

This statement is incorrect. The one making this statement doubtless has matters confused in his own mind. In the regular session of the Forty-first Legislature an appropriation was made to supplement the appropriations of the Fortieth Legislature for summer schools of 1929 and to supplement the rural aid appropriation. This bill carried more money than was necessary, and I had a conference with the Presidents of the various State supported colleges. As a result of this conference we agreed on the items of money that should be appropriated to supplement the appropriations of the Fortieth Legislature for the summer schools of 1929. I also had conferences with the Superintendent of Public Instruction regarding the amount needed to supplement the rural aid bill. The results of these conferences were taken to the Finance Committee during the regular session of the Forty-first Legislature and the Finance Committee adopted the figures that had been agreed to between the presidents of the State supported colleges and me. The bill will be found at page 398 of the Acts of the Regular Session of the Forty-first Legislature. This bill was passed February 22, 1929, was approved by me March 7, 1929, and became effective March 7, 1929, and the funds thereby appropriated were for the fiscal year that ended August 31, 1929, and have absolutely nothing to do with the summer schools of 1930. The appropriations made for summer school purposes by the Forty-first Legislature will be found in the Educational Appropriation bill, beginning on page 259 of the Acts of the Second and Third Called Sessions of the Forty-first

Legislature. This bill was passed during the Third Called Session of the Forty-first Legislature.

This is in correction of what has been incorrectly said to the Senate by others in connection with the matters herein mentioned.

Respectfully,
DAN MOODY.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 54. S. B. No. 10.
S. B. No. 65. S. B. No. 68.
S. B. No. 64.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, March 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 10, A bill to be entitled "An Act to amend Chapter 81 of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the Commission of Appeals of the State of Texas, as amended by Chapter 34 of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth Legislature, approved July 25, 1919, as amended by Chapter 119, of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-seventh Legislature, approved March 31, 1921, as amended by Chapter 154 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-eighth Legislature, approved March 30, 1923, as amended by Chapter 53 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-ninth Legislature, approved March 9, 1925, providing for the creation of a commission to aid the **Supreme Court of Texas**; regulating their powers and duties; prescribing their qualifications, ap-

pointment, duration of service; providing for stenographers, clerical help, and porter and fixing their compensation; fixing the salaries of the Commissioners, the manner of payment thereof; and declaring an emergency."

S. B. No. 56, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring, or killing of any wild buck deer, wild doe deer, or wild fawn deer within the limits of the county of Live Oak, State of Texas, for a period of five years from and after the passage of this Act, providing a penalty therefor, and declaring an emergency."

With amendments.

S. B. No. 64, A bill to be entitled "An Act to validate the grant of land made by the Crown of Spain to Jose Clemente Gutierrez, his heirs and assigns, of Porcion 41, lying and being situated in Zapata County, Texas, and to authorize the Commissioner of the General Land Office to issue patent to Jose Clemente Gutierrez, his heirs and assigns, to said Porcion, and declaring an emergency."

S. B. No. 65, A bill to be entitled "An Act to amend Section 2a and 2b of Chapter 28, of the Local and Special Laws enacted by the Twenty-third Legislature at its Regular Session in 1913, same being Special Road Law for Childress County, which sections 2a and 2b were added by Chapter 279 of the General and Special Laws of the Forty-first Legislature at its Regular Session in 1929; authorizing the commissioners' court of Childress County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment therefor, providing limitations upon the issuance of warrants for road and bridge purposes, and exceptions therefrom; repealing House Bill No. 68, passed at the Fourth Called Session of the Forty-first Legislature; and declaring an emergency."

S. B. No. 68, A bill to be entitled "An Act validating and legalizing the authorization of bonds issued by or on behalf of any county, city, district, or political subdivision of this State, for the construction of seawalls; validating the levy and as-

assessment of ad valorem taxes in payment thereof; validating the manner of holding the election, canvassing the returns and declaring the result of such election; and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
 Chief Clerk House of Representatives.
 Hall of the House of Representatives,
 Austin, Texas, March 13, 1930.
 Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 38 by a vote of 101 yeas and 0 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
 Chief Clerk House of Representatives.
 Hall of the House of Representatives,
 Austin, Texas, March 13, 1930.
 Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 88, A bill to be entitled "An Act amending Chapter 156 of the Acts of the Regular Session of the Fortieth Legislature of the State of Texas of 1927 relating to administrative judicial districts, by providing that the State shall be divided into nine administrative judicial districts, providing for the appointment and election of presiding judges; prescribing their qualifications, duties and powers, and providing for the expenses, salaries incident to the administration thereof, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
 Chief Clerk House of Representatives.

House Bill Referred.

H. B. No. 88, referred to Committee on Civil Jurisprudence.

Motion to Concur.

Senator Parr moved to concur in the House Amendment to S. B. No. 56. The motion prevailed.

Bills and Resolutions.

By Senator Love:

S. B. No. 86, A bill to be entitled "An Act requiring moving picture machines or projectors operating in this State to be provided with equip-

ment to be approved by the Board of Insurance Commissioners, affording, in the opinion of said Board, the utmost possible means of automatically and instantly preventing fires resulting from the explosion or ignition of motion picture films, and that such equipment shall be constantly maintained in efficient working order, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Miller:

S. B. No. 87, A bill to be entitled "An Act designating the historical collection of the North Texas State Teachers College, consisting of books, documents, stamps, coins, fire arms, implements of warfare, relics, heirlooms and various and sundry other things and collections of historical importance, a state historical collection; authorizing the Board of Regents of said college to accept and receive gifts, donations and collections of all kinds having a historical value, to prescribe rules and regulations with respect to the same; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Williamson:

S. B. No. 88, A bill to be entitled "An Act amending Chapter 47, (Senate Bill No. 36) Acts of the Second Called Session of the Forty-first Legislature, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

Adjournment.

Senator Russek moved to recess until 3:00 o'clock p. m.

Senator Love moved to adjourn until 3 o'clock. The motion prevailed and at 12:38 o'clock, the Senate adjourned.

APPENDIX.

Committee Reports.

Committee Room,
 Austin, Texas, March 13, 1930.
 Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 47, A bill to be entitled "An Act making it unlawful for any

practicing lawyer to become surety upon the bail bond of any person charged with crime and held in custody within this State, when such lawyer is representing the person charged for pay; and requiring the sheriff or other officers having in custody such person so charged, and required to pass upon such bonds for approval or disapproval to disapprove any bail bond so signed, and to make inquiry as to any bail bond signed by any attorney to determine whether it should be disapproved hereunder; and providing this Act shall not apply to a bond signed by any attorney related within the third degree to the person charged."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, March 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 104, A bill to be entitled "An Act to amend Article 1747, of the Revised Civil Statutes of Texas, 1925, so as to permit persons unable to pay costs or give security therefor, to be entitled to prosecute their appeal in the Appellate Courts without requiring any bond; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, March 12, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 125, A bill to be entitled "An Act validating all elections, election orders, election proceedings, and city ordinances annexing adjacent territory to, or extending and prescribing the corporate limits of, any home rule city that has adopted a charter under Article 11, Section 5, of the Constitution of Texas, and the

provisions of Chapter 147, Acts of the Regular Session of the Thirty-third Legislature of the State of Texas 1913, but which city did not in fact have a population of five thousand according to the 1920 Federal census; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and, being a local bill, be not printed.

BERKELEY, Chairman.

Committee Room,
Austin, Texas, March 12, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 77, A bill to be entitled "An Act to amend Chapter 81, page 224, of the General and Special Laws of the First Called Session of the Fortieth Legislature, 1927, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal, but not otherwise.

WIRTZ, Chairman.

By Patton.

S. B. No. 77.

A BILL

To Be Entitled

An Act to amend Chapter 81, page 224, of the General & Special Laws of the First Called Session of the 40th Legislature, 1927, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 81, Page 224, of the General and Special Laws of the First Called Session of the 40th Legislature, 1927, be and the same is hereby amended so as to hereafter read as follows:

That Article 7150 of the Revised Civil Statutes of Texas, 1925, providing for the exemption of certain property from taxation, be amended by adding thereto another section No. 2-A, as follows:

No. 2-A. Provided that any territory that has been acquired or may hereafter be acquired, by the State of Texas, as a part of any State Prison Farm or property, shall not

hereafter be exempt from the payment of its prorata part of any bond tax of a public school district of which the said territory was a part at the time bonds of the said district which are now outstanding were issued, or which is a part of said district at the time of the issuance of bonds which may hereafter be voted; and the prorata part of said tax that shall be paid by said territory shall be the proportionate part that the assessed valuation of such territory for county purposes is of the total assessed valuation of the school district for the year in which such taxes are assessed. Provided, also, that the said bond tax shall be paid by the governing board or management of the State prison system out of any funds appropriated therefor by the Legislature. It is hereby specifically provided that the said bond tax shall be paid for each year that has elapsed since any such territory of a school district was acquired by the State for and as a part of said prison system, if any bonds were then outstanding.

Sec. 2. The fact that there are school districts in urgent need of relief provided in this Act, together with the crowded condition of the calendar, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 12, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 78, A bill to be entitled "An Act to amend Article 7150, Revised Civil Statutes of Texas, 1925, providing for the exemption of certain property from taxation, by adding thereto another Section No. 3a, wherein it is provided that property heretofore or hereafter acquired by the State Prison Farms or other Prison purposes shall not be exempt from payment of its prorata of any maintenance tax of a public school district, which said territory or property is a part; providing for the manner of assessing such taxes, how they

shall be paid, and providing for the payment of such taxes where delinquent as well as to the future payment thereof."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal.

WIRTZ, Chairman.

By Patton.

S. B. No. 78.

A BILL

To Be Entitled

An Act to amend Article 7150, Revised Civil Statutes of Texas, 1925, providing for the exemption of certain property from taxation, by adding thereto another Section No. 3a, wherein it is provided that property heretofore or hereafter acquired by the State for Prison Farms or other Prison purposes shall not be exempt from payment of its pro rata of any maintenance tax of a public school district, which territory or property is a part; providing for the manner of assessing such taxes, how they shall be paid; and providing for the payment of such taxes where delinquent as well as to the future payment thereof.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7150, Revised Civil Statutes of Texas, 1925, provide for the exemption of such property from taxation be amended by adding thereto another section, No. 3a as follows:

No. 3-A. Provided that any territory that has been acquired or may hereafter be acquired, by the State of Texas, as a part of any State Prison Farm or property, shall not hereafter be exempt from the payment of its pro rata part of any maintenance tax of a public school district of which the said territory was a part at the time said maintenance tax of the said district which are now outstanding was voted, or which is a part of said district at the time any maintenance tax may hereafter be voted by said district; and the pro rata part of said tax that shall be paid by said territory shall be the proportionate part that the assessed valuation of such territory for county purposes is of the total assessed valuation of the school

district for the year in which such taxes are assessed. Provided, also, that the said maintenance tax shall be paid by the governing Board of Management of the State Prison System out of any funds appropriated thereby by the Legislature. It is hereby specifically provided that the said maintenance tax shall be paid for each year that has elapsed since any such territory of a school district was acquired by the State for and as part of said prison system.

Sec. 2. The fact that there are school districts in urgent need of relief provided in this Act, together with the crowded condition of the calendar, creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 84, A bill to be entitled "An Act making certain emergency appropriations out of the general revenue of the State of Texas for the several institutions and departments of State Government as named herein for the balance of the present fiscal year and for the fiscal year ending August 31, 1931, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

POLLARD, Chairman.

Committee Room,

Austin, Texas, March 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 88, A bill to be entitled "An Act amending Chapter 47, (Senate Bill No. 36) Acts of the Second Called Session of the 41st Legislature, and declaring an emergency," etc.

Have had the same under con-

sideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, March 13, 1930.

Hon. Barry Miller, President of the Senate.

We, your Committee on Educational Affairs, to whom was referred

S. B. No. 85, A bill to be entitled "An Act relating to the membership, selection, qualifications and duties of the County Board of Education in counties with a population of not less than 15,300 nor more than 5,400 according to the Federal census of 1920; providing for the administration of school affairs of all school districts with a population of not less than 500 scholastics and for funds for the administration expense account; providing for an equalization fund; and enacting other regulations and provisions relating to said subject; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, March 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 83, A bill to be entitled "An Act providing for the temporary registration or visiting privileges in this State of vehicles owned by citizens of another State or country and duly registered under the laws of said State or country for the current year; prescribing authorization of non-residents for acceptance of civil process; prescribing restrictions under which such vehicle may be operated; prescribing penalties for any violations hereof; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, March 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 12, A bill to be entitled "An Act amending Articles 7084, 7085, 7089 and repealing Articles 1538-i, 7088 and 7090, Revised Civil Statutes 1925; levying and imposing franchise taxes on domestic and foreign corporations and providing for the collection thereof; providing the method, manner, scale and time of computation; providing for the enforcement of the provisions hereof; prescribing offenses; declaring liens, penalties, and fines; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the original bill do not pass but that the Committee Substitute hereto attached do pass in lieu thereof and be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By ———. C. S. H. B. No. 12.

A BILL

To Be Entitled

An Act amending Articles 7084, 7085, and 7089, and repealing Articles 1538-i, and 7088, Revised Civil Statutes, 1925; levying and imposing franchise taxes on domestic and foreign corporations and providing for the collection thereof, providing the method, manner, scale and time of computation; providing for the enforcement of the provisions hereof; prescribing offenses; declaring liens, penalties and fines; and declaring an emergency.

Be it enacted by the Legislatur of the State of Texas:

Section 1. That Articles 1538-i and 7089 be repealed, and Articles 7084, 7085 and 7089, Revised Civil Statutes, 1925, be and the same are hereby amended so as to read as follows:

Sec. 2. That Articles 7084 and 7085 of the Revised Civil Statutes of 1925 be amended and combined under Article 7084 so as to read as follows:

Art. 7084. (A) Amount of Tax: Except as herein provided, every domestic and foreign corporation issuing capital stock with or without par value, heretofore or hereafter chartered or authorized to do business in this State, shall, on or before the first day of May of each year pay in advance to the Secretary of State a franchise tax for the year following based upon what proportion of its issued and outstanding capital stock, surplus, and undivided profits as the gross receipts from its business done in this State bears to the total gross receipts of such corporation from its entire business, which tax shall be computed at the following rate for each \$1,000.00, or fractional part thereof, of the base so determined: From One (\$1.00) Dollar to One Million (\$1,000,000.00) Dollars, \$1.00; in excess of One Million (\$1,000,000.00) Dollars, \$.50 for each \$1,000.00 or fractional part thereof; provided that such tax or corporation with or without capital stock shall not be less than Ten (\$10.00) Dollars in the case of any corporation; and provided that if the stock of any such corporation is without nominal or par value, then for the purpose of the computation herein provided for, it shall be treated and considered as having and being of the value actually received by the corporation for the issuance of such shares, and with respect to corporations organized under the laws of this State, as disclosed by the charter or any amendment thereof, as provided in Article 1538-d or by a certificate, as provided in Article 1538-c of the Revised Civil Statutes of this State, and with respect to a foreign corporation issuing stock without nominal or par value, it shall furnish the information required in said Articles 1538-d and 1538-e of domestic corporations and where such corporation applying for a permit has theretofore done no business in Texas, such tax shall not be payable until the end of one year from the date of such permit, at which time the tax shall be computed according to such first year's business; and at such time, such corporation shall also pay its tax in advance based upon its first year's business for the period from the end of the first year to and including May first following. In all other

cases the tax shall be computed on the data contained in the reports required in Article 7087 and Article 7089 of the Revised Civil Statutes.

(B) A franchise tax on corporations which are now required to pay annually a tax upon intangible assets shall be computed on the basis of their issued and outstanding capital stock, surplus and undivided profits, as follows: From One (\$1.00) Dollar to One Million (\$1,000,000.00) Dollars, \$.50 for each One Thousand (\$1,000.00) Dollars; in excess of One Million (\$1,000,000.00) Dollars, \$.25 for each One Thousand (\$1,000.00) Dollars, or fractional part thereof; provided that such tax shall not be less than (\$10.00) Dollars.

Sec. 3. That Article 7089 be amended so as to read as follows:

Art. 7089. Report of Corporation: Except as herein provided all corporations now required to pay an annual franchise tax shall, between January first and March fifteenth of each year, make a sworn report to the Secretary of State on blanks furnished by that officer showing the condition of such corporation on the thirty-first day of December preceding. The Secretary of State may, for good cause shown by any corporation, extend such time to any date up to May first. Said report shall give, in the case of stock with a nominal or par value, the amount of such stock issued and outstanding together with the surplus and undivided profits of such corporation; and in the case of stock without a nominal or par value, the number of such shares actually issued and the price or value received therefor together with the surplus and undivided profits of such corporation; such report shall likewise show the amount of mortgage, bonded and other current indebtedness; the amount and date of payment of the last annual, semi-annual, quarterly or monthly dividend; the total gross receipts of such corporation from all sources and the gross receipts from its business done in Texas for calendar year preceding, giving the name of each foreign State or country in which it has a permit to do or is actually transacting business. Where a foreign corporation has not theretofore done business in this State and is granted a permit to do business in Texas, it shall file its

first report as of the end of one year from the date of such permit, within ninety days of such date. Any corporation which shall fail or refuse to make its report shall be assessed a penalty of ten per cent of the amount of franchise tax due by such corporation payable to the Secretary of State, together with its franchise tax. Said report shall be deemed to be privileged and not for the inspection of the general public, but one interested in the subject matter of any report may secure a copy of same upon presenting an affidavit to the Secretary of State showing the nature of such interest. Each report shall be sworn to by either the president, vice-president, secretary, treasurer or general manager, and shall give the name and address of each officer and director. In order to provide a means for service of process to collect any process to collect any franchise tax or penalties, designate some person residing in this State whose name and address shall be given in each report.

Sec. 4. The forms prescribed shall contain such other information as the Secretary of State may deem advisable and he may adopt rules and regulations providing for the enforcement of the provisions hereof and may require corporations to cause such records as may be necessary in determining the amount of taxes that may be due hereunder. No tax shall be paid which may not be collected under the State and Federal Constitutions.

Sec. 5. If any corporation shall transact intrastate business in this State without first having obtained a permit under the provision hereof, such corporation shall forfeit to the State of Texas the sum of One Thousand (\$1,000.00) Dollars for each day such corporation transacts any intrastate business or maintains an office within the State, to be recovered in a suit to be brought by the Attorney General, and the State shall have a lien on all property of said corporation for said penalties, and any corporation may be enjoined by such officer which said suits may be brought in Travis County, Texas, and each day's offense shall constitute a separate offense.

Sec. 6. For the tax year ending April 30, 1931, in order to give sufficient time to meet the requirements

of this Act, no penalties or forfeitures or reports shall accrue or be made under the provisions of Articles 7091 and 7092, Revised Civil Statutes of 1925, until August 1, 1930. If any corporation shall have paid its franchise tax for the tax year ending April 30, 1931, before this Act takes effect, and under the provisions hereof an additional sum for such year shall be due, such corporation shall be required to pay such additional sum on or before August 1, 1930, or, if the amount already paid is in excess of the tax that would be due for such year, then the excess payments shall be credited on next year's tax.

Sec. 7. The provisions of this Act are severable and if any section, provision or part thereof be declared invalid, then it is hereby declared the legislative intent that the remaining part of this Act would be enacted notwithstanding such invalid parts.

Sec. 8. The fact that the present franchise tax law results in discrimination against corporations having par value stock on the one part, and those having no par value stock on the other, and for the further reason that an attack is now being made on the validity of the franchise tax now imposed on foreign corporations creates an emergency and an imperative public necessity requiring that the constitutional rule that bills shall be read on three several days in each House be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

(Minority Report.)

Committee Room,
Austin, Texas, March 13, 1930.
Hon. Barry Miller, President of the Senate.

We, a minority of your Committee on State Affairs, to whom was referred

H. B. No. 12, A bill to be entitled "An Act amending Articles 7084, 7085, 7089 and repealing Articles 1538-i, 7099 and 7090, Revised Civil Statutes 1925; levying and imposing franchise taxes on domestic and foreign corporations and providing for the collection thereof; providing the method, manner, scale and time of computation; providing for the en-

forcement of the provisions hereof; prescribing offenses; declaring liens, penalties, and fines; and declaring an emergency."

Beg leave to differ with the majority of the committee and recommend that the original House Bill No. 12 do pass and be printed in the Journal and not otherwise.

WOODWARD,
HORNSBY,
MOORE.

By Van Zandt, Met- H. B. No. 12.
calf, et al.

A BILL

To Be Entitled

An Act amending Articles 7084, 7085, 7089 and repealing Articles 1538-i, 7088 and 7090, Revised Civil Statutes 1925; levying and imposing franchise taxes on domestic and foreign corporations and providing for the collection thereof; providing the method, manner, scale and time of computation; providing for the enforcement of the provisions hereof; prescribing offenses; declaring liens, penalties and fines; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Articles 1538-i, 7088, and 7090, be and are hereby repealed.

Sec. 2. That Articles 7084 and 7085 of the Revised Civil Statutes of 1925, be amended and combined under Article 7084 so as to read as follows:

"Article 7084. (a) Amount of Tax. Except as herein provided, every domestic and foreign corporation, with or without capital stock, heretofore or hereafter chartered or authorized to do business in Texas, shall, on or before May 1st of each year, pay in advance to the Secretary of State a franchise tax for the year following, based upon that proportion of the cash value of gross assets of such corporation as the gross receipts from its business done in Texas bears to the total gross receipts of the corporation from its entire business, which tax shall be computed at the following rates for each One Thousand (\$1,000.00) Dollars or fractional part thereof of the gross cash value of assets; From

One (\$1.00) Dollar to One Million Dollars (\$1,000,000), sixty cents (.60); in excess of One Million (\$1,000,000) Dollars, thirty cents (.30) for each Thousand Dollars or fractional part thereof; provided, that such tax shall not be less than Ten Dollars (\$10.00) in the case of any corporation. Where a foreign corporation applying for a permit has theretofore done no business in Texas, such tax shall not be payable until the end of one year from the date of such permit, at which time the tax shall be computed according to such first year's business; and at the same time such corporation shall also pay its tax in advance, based upon its first year's business, for the period from the end of the first year to and including May 1st following. In all other cases, the tax shall be computed from the data contained in the reports required by Articles 7087 and 7089.

(b) Corporations created for two or more purposes which are now required by law to pay a separate franchise tax for each purpose authorized or separate business transacted, hereafter instead of paying a franchise tax on each purpose or business shall pay the tax hereinbefore imposed and after ascertaining said tax an additional one half ($\frac{1}{2}$) of such tax shall be paid for each additional purpose authorized by law.

(c) Corporations which are now required by law to pay annually upon intangible assets, shall by reason thereof be required to pay as a franchise tax for the years 1931 and 1932 and 1933 an amount equal to one-fourth ($\frac{1}{4}$) of the franchise tax herein provided for other corporations not exempt from the payment of franchise tax; and thereafter beginning with the year 1934 shall be required to pay as a franchise tax an amount equal to one-fifth ($\frac{1}{5}$) of the franchise tax herein provided for other corporations not exempt from the payment of franchise tax.

(d) Provided, however, that this Act shall not apply to corporations organized as terminal companies not organized for profit, and having no income from the business done by them.

Sec. 3. That Article 7089 be

amended so as to read as follows:

"Article 7089. Report of Corporation. Except as herein provided, all corporations now required to pay an annual franchise tax, shall, between January 1st, and March 15th of each year, make a sworn report to the Secretary of State, on blanks furnished by that officer, showing the condition of such corporation on the 31st day of December preceding. The Secretary of State, may for good cause shown by any corporation, extend such time to any date up to May 1st. Said report shall give the cash value of all gross assets of the corporation, the aggregate par value of its authorized capital stock, the number of shares of no-par stock authorized, the capital stock actually paid in, the surplus and undivided profits or deficit, if any, the amount of mortgage, bonded and current indebtedness, the amount and date of payment of the last annual, semi-annual, quarterly or monthly dividend; the total gross receipts of such corporation from all sources and the gross receipts from its business done in Texas for the calendar year preceding, giving the name of each foreign State or Country in which it has a permit to do business. Where a foreign corporation has not theretofore done business in this State and is granted a permit to do business in Texas, it shall file its first report as of the end of one year from the date of such permit, within ninety (90) days of such date. Any corporation which shall fail or refuse to make its reports shall be assessed a penalty of ten per cent of the amount of franchise tax due by such corporation, payable to the Secretary of State, together with its franchise tax. Said reports shall be deemed to be privileged and not for the inspection of the general public, but one interested in the subject matter of any report may secure a copy of same upon presenting an affidavit to the Secretary of State, showing the nature of such interest. Each report shall be sworn to by either the president, vice-president, secretary, treasurer, or general manager, and shall give the name and address of each officer and director. In order to provide a means for service of process to collect any franchise tax or penalties, and in

all other cases, each foreign corporation shall, for such purpose, designate some person residing in this State whose name and address shall be given in each report.

Sec. 4. The forms prescribed shall contain such other information as the Secretary of State may deem advisable and he may adopt rules and regulations providing for the enforcement of the provisions hereof and may require corporations to cause such records as may be necessary in determining the amount of taxes that may be due hereunder. No tax shall be paid which may not be collected under the State and Federal Constitution.

Sec. 5. If any corporation shall transact intrastate business in this State without first having obtained a permit under the provisions hereof, such corporation shall forfeit to the State of Texas, the sum of One Thousand (\$1,000.00) Dollars for each day such corporation transacts any intrastate business or maintains an office within the State, to be recovered in a suit, to be brought by the Attorney General and the State shall have a lien on all property of said corporation for said penalties and any corporation may be enjoined by such officer, which said suits may be brought in Travis County, Texas, and each day's offense shall constitute a separate offense.

Sec. 6. For the tax year ending April 30, 1931, in order to give sufficient time to meet the requirements of this Act, no penalties or forfeitures or reports shall accrue or be made under the provisions of Articles 7091 and 7092, Revised Civil Statutes of 1925, until August 1, 1930. If any corporation shall have paid its franchise tax for the tax year ending April 30, 1931, before this Act takes effect, and under the provisions hereof an additional sum for such year shall be due, such corporation shall be required to pay such additional sum on or before August 1, 1930 or, if the amount already paid is in excess of the tax that would be due for such year, then the excess payments shall be credited on next year's tax.

Sec. 7. The provisions of this Act are severable and if any Section, provision or part thereof be declared invalid, then it is hereby declared the

legislative intent that the remaining part of this Act would be enacted notwithstanding such invalid parts.

Sec. 8. The fact that the present franchise tax law results in discrimination against corporations having par value stock on the one hand, and those having no-par stock on the other, and because a tax on the capital stock fails to reach all of the capital on which a corporation does business and therefore fails to distribute evenly the burden of taxation, as where one corporation has a small capital stock with a large capital provided from bonds while another has a capital stock fairly representing its actual capital, and for the further reason that an attack is now being made on the validity of the franchise tax on foreign corporations, create an emergency and an imperative public necessity requiring that the Constitutional Rule that Bills shall be read on three several days in each House be suspended and said Rule is hereby suspended and that this Act take effect and be in force from and after its passage and it is so enacted.

Committee Room,

Austin, Texas, March 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 41, A bill to be entitled "An Act imposing a gross receipts tax upon certain individuals, companies, corporations or association, whether incorporated under the laws of this State or nation, engaged in publishing, printing or selling textbooks as used or will be used in the schools of this State, or owning, controlling or managing any such business, within the State or out of it, and having State agencies within this State for the purpose of selling any such books to be used in any of the schools of this State, requiring quarterly the reports each year, under oath of the individual, president or treasurer of such company, corporation or association showing gross amount received from any such business done within this State during the quarter next preceding and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Graves of Erath. S. B. No. 41.

A BILL

To Be Entitled

An Act imposing a gross receipt tax upon certain individuals, companies, corporations or associations, whether incorporated under the laws of this State or Nation, engaged in publishing, printing or selling textbooks as used or will be used in the schools of this State, or owning, controlling or managing any such business within the State or out of it, and having State agencies within this State for the purpose of selling any such books to be used in any of the schools of this State, requiring quarterly reports each year under oath of the individual, president or treasurer of such company, corporation or association showing gross amount received from any such business during the quarter next preceding; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Each individual, company, corporation or association, whether incorporated under the laws of this State, or of any other State or Nation, engaged in publishing, printing and selling such textbooks as are used, or will be used, in the schools of this State, or owning, controlling or managing any such business within the State or out of it, and having State agencies within this State for the purpose of selling any such books, to be used in any of the schools of this State, shall make quarterly, on the first days of January, April, July and October of each year, a report of the Comptroller, under oath of the individual or of the president or treasurer or superintendnet of such company, corporation or association, or of the person owning, controlling or managing such business, showing the gross amount received from such business done within this State from any and all sources during the quarter next preceding. Said individuals, companies, corporations and associations, at the time of making said report, shall pay to the State Treasurer an occupation tax for the

quarter beginning on said date equal to one per cent of said gross receipts as shown by said report. The provisions of this Article shall not apply to any corporation organized by the students and faculty of any State supported institution of learning and which has no capital stock and pays no dividends and is organized for the purpose of supplying books and other school supplies to the student of such institution and whose assets on the dissolutions of the corporation pass to the governing board of the institution as a trust fund to be used for the benefit of the institution.

Sec. 2. The importance of this legislation to raise needed revenue for public purposes and in view of the fact that the law requiring a gross receipt tax upon agencies named in this Act recently expiring create an emergency and an imperative public necessity that the Constitutional Rule that bills be read in each House on three several days be and the same is hereby suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, March 13, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 111, A bill to be entitled "An Act amending Section 17, Article 7065n, Sub. 3, H. B. No. 6, Chapter 88, Second Called Session of the Forty-first Legislature, providing for the application for refund when claimant purchases or acquires for use gasoline upon which a refund may be due; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Harman. H. B. No. 111.

A BILL

To Be Entitled

An Act amending Section 17, Article 7065n, Subdivision 3, H. B. No. 6, Chapter 88, Second Called Session, Forty-first Legislature, providing for the application for refund when claimant purchases

or acquires for use gasoline upon which a refund may be due; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 17, Article 7065n, Subdivision 3 of H. B. No. 6, Chapter 88, passed at the Second Called Session of the Forty-first Legislature, be, and the same is hereby amended so as to read as follows:

"Section 17, Subdivision 3. When a claimant purchases or acquires for use gasoline upon which a refund may be due, he shall, by the 25th of the succeeding month, make a report to the Comptroller showing the number of gallons so purchased or acquired, and the maximum amount of the refund so that the Comptroller or Treasurer may know the amount of the refunds on the taxes paid by distributors during the preceding month, and unless such report is filed by the claimant any claim thereafter filed by him shall not be honored. Within four months from the purchase of motor fuels, upon which a refund is claimed, and not thereafter, such claimant shall file with the Comptroller an affidavit on such forms as may be prescribed by the Comptroller of Public Accounts, and which affidavit shall include a statement as to the source or place of purchase or acquisition of such gasoline used for purposes other than in propelling motor vehicles over the highways of this State, that the information stated in the attached invoice or ticket is correct, and the manner, mode and instrumentalities in which said gasoline was used, if such information can be given, and that no part of said gasoline was used in propelling motor vehicles over the highways of this State, that the tax claimed has actually been paid directly or indirectly by the claimant, and said affidavit shall be accompanied by the invoice or ticket above referred to, together with a filing fee of One (\$1.00) Dollar, and the Comptroller may require other affidavits in such form and time as he may deem advisable, and if he finds that such claims are just, and that the taxes claimed have actually been paid by the claimant, that he shall within sixty days issue warrant or warrants for the amounts due claimant, but no

warrant shall be paid by the Treasurer after twelve months from the date thereof, and if such warrant is not presented within twelve months from the date thereof, claimant shall forfeit his right to a refund. No refund shall be made where gasoline is used later than six months from the purchase of appropriation for use.

Sec. 2. The fact that the time for making reports of claimants for refunds is not long enough creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be suspended, and the same is hereby suspended, and that this Act take effect and be in force from and after its passage and it is so enacted.

Committee Room,
Austin, Texas, March 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 79, A bill to be entitled "An Act to amend Section 10A of Chapter 88 of the Acts of the Second Called Session of the Forty-first Legislature of Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Gilbert.

H. B. No. 79.

A BILL

To Be Entitled

An Act to amend Section 10A of Chapter 88 of the Acts of the Second Called Session of the Forty-first Legislature of Texas; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 10A of Chapter 88 of the Acts of the Second Called Session of the Forty-first Legislature is hereby amended so that the same shall hereafter read as follows:

"Section 10A. All funds required by this Act to be remitted to the State Highway Department, which are not so remitted within sixty days after being collected, shall there-

after bear interest for the benefit of the State Highway Fund at the rate of ten (10%) per cent per annum, which interest shall be charged to each county tax collector failing or refusing to remit said funds within said period of sixty days. The exact amount of said interest charge shall be determined by the State Highway Department by a careful audit of the license fees received and disbursed by said tax collector pursuant to the laws relating to the registration and transfer of vehicles; and the State of Texas shall have a valid claim against the county tax collector and his official bondsmen for the amount of such interest as determined by said audit, provided, however, that no person shall be authorized or permitted to collect any license fees under the provisions of this Act except the tax collector or a duly authorized and appointed deputy."

Sec. 2. The fact that there is a public demand and an imperative necessity prevailing at this time and the crowded condition of the calendar create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days in each House be suspended, and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage and it is so enacted.

FIFTEENTH DAY.

Senate Chamber,
Austin, Texas,
March 13, 1930.

The Senate met at 3 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Love.
Berkeley.	Martin.
Cousins.	McFarlane.
Cunningham.	Miller.
DeBerry.	Moore.
Gainer.	Neal.
Greer.	Parr.
Hardin.	Parrish.
Holbrook.	Patton.
Hornsby.	Pollard.
Hyer.	Russek.

Small.	Wirtz.
Thomason.	Witt.
Westbrook.	Woodul.
Williamson.	Woodward.

Absent—Excused.

Stevenson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Love:

S. B. No. 89, A bill to be entitled "An Act to prescribe what constitutes the perfection of an appeal in misdemeanor cases, making it the duty of the clerk of the court in which appeals in such cases are perfected to enter of record the recognizance of the defendant, and the duty of the judge of such court, if such recognizance is not so entered, to order the same entered nunc pro tunc after the term, and the duty of the Court of Criminal Appeals to issue writs of certiorari to require the entry of such recognizance and its certification to said court in all cases now pending or hereafter pending in said court; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Miller:

S. B. No. 90, A bill to be entitled "An Act to amend an Act passed at the Second Called Session of the Forty-first Legislature known as Senate Bill No. 138, filed in the office of the Secretary of State on June 24, 1929, being Chapter 73 of the General Laws of the State of Texas passed by the Forty-first Legislature at its Second Called Session; authorizing the Board of Regents of the College of Industrial Arts to erect and equip and make contracts for the erection and equipping of dormitories and other improvements